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Fiftieth session

UNITED NATIONS ADMINISTRATIVE TRIBUNAL

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

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ANNEX

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with that decision, the following note is submitted in respect of the year 1995.

I. APPOINTMENT OF MEMBERS OF THE TRIBUNAL BY THE GENERAL ASSEMBLY

2. At its forty-ninth session, 56th plenary meeting, on 14 November 1994, the General Assembly, on the recommendation of the Fifth Committee (see A/49/660), appointed Messrs Samar Sen, Mikuin Leliel Balanda and Hubert Thierry as members of the United Nations Administrative Tribunal for a three-year term of office beginning on 1 January 1995.

II. COMPOSITION OF THE TRIBUNAL DURING 1995

3. In 1995, the Tribunal was composed of the following members:

Mr. Jerome Ackerman, President
Mr. Samar Sen, First Vice-President
Mr. Luis de Posadas Montero, Second Vice-President
Mr. Mikuin Leliel Balanda
Mr. Hubert Thierry
Mr. Francis Spain
Mr. Mayer Gabay

III. FORTY-SIXTH PLENARY SESSION

4. The Tribunal met in annual plenary session in New York on 22 November 1995, pursuant to article 5, paragraph 1, of its rules. All members were present.

IV. JUDGEMENTS DELIVERED DURING 1995

5. In 1995, the Tribunal held two sessions, one in Geneva from 26 June to 28 July, and one in New York from 23 October to 22 November. The composition of the panels and the corresponding judgements rendered are as follows:

Case No. 516: Pappas

(Pappas against the Secretary-General of the United Nations)
(Request by former UNITAR staff member for revision of Judgements Nos. 500 and 585.)
Judgement AT/DEC/740

New York, 24 October to 22 November 1995

Mr. Posadas, presiding
Mr. Balanda
Mr. Gabay

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Case No. 661: Burnett
Case No. 662: Fournigault
Case No. 663: Gil
Case No. 664: Lopez
Case No. 665: Nogales

(Burnett, Fournigault, Gil, Lopez and Nogales against the Secretary-General of the International Maritime Organization)
(Claim by IMO staff members that the Respondent did not properly calculate the international recruitment benefits awarded in Judgement No. 612)
Judgement AT/DEC/692

Geneva, 4 to 21 July 1995

Mr. Posadas, presiding
Mr. Thierry
Mr. Spain

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Case No. 732: Belas-Gianou

(Belas-Gianou against the Secretary-General of the United Nations)
(Claim by former UNFPA staff member that the non-renewal of her appointment was motivated by extraneous factors, including alleged complaints by her of sexual harassment)
Judgement AT/DEC/707

New York, 11 October 1994
Geneva, 27 June to 28 July 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Case No. 735: Alba et al.

(Alba et al. against the Secretary-General of the United Nations)
(Claim by ECLAC staff members of violation of their right to consideration for a career appointment after five years of service)
Judgement AT/DEC/712

New York, 18 October to 8 November 1994
Geneva, 29 June to 19 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 738: Noble

(Noble against the Secretary-General of the United Nations)
(Claim by former United Nations staff member that the Respondent did not properly implement Judgement No. 407, by failing to pay her what she was owed and by providing incorrect information to the UNJSPF, which caused erroneous pension payments to be made to her)
Judgement AT/DEC/688

Geneva, 27 June to 21 July 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

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Case No. 741: De Brandt-Dioso

(De Brandt-Dioso against the Secretary-General of the United Nations)
(Claim by ONUVEH staff member on mission in Haiti, for compensation for cash and jewellery stolen from her as she was preparing her departure)
Judgement AT/DEC/696

New York, 25 October 1994
Geneva, 3 to 21 July 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Cases No. 745: Nuñez
No. 746: Traini

(Nuñez and Traini against the Secretary-General of IMO)
(Claims by IMO staff members that their employment as "General Service supernumerary employees" without rights under the Staff Rules and Regulations was unlawful and in violation of the IMO Convention provisions on staffing)
Judgement AT/DEC/693

Geneva, 21 June to 22 July 1995

Mr. Ackerman, President
Mr. Thierry
Mr. Gabay

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Case No. 748: Huda

(Huda against the Secretary-General of the United Nations)
(Claim by former WFP staff member for reinstatement and rescission of decision to terminate his employment on grounds of misconduct)
Judgement AT/DEC/698

Geneva, 3 to 27 July 1995

Mr. Sen, presiding
Mr. Spain
Mr. Gabay

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Case No. 749: Lau-Yu-Kan

(Lau-Yu-Kan against the Secretary-General of IMO)
(Claim by IMO staff member that his former post should have been reclassified at the G-5 level)
Judgement AT/DEC/699

Geneva, 21 June to 22 July 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Gabay

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Cases No. 753: White
No. 754: Le Ster
No. 755: Marouf
No. 756: Ben Fahdel
No. 757: Dodino
No. 758: Atar

(White, Le Ster, Marouf, Ben Fahdel, Dodino and Atar against the Secretary-General of IMO)
(Claim by IMO staff members that deductions from their salary because of their participation in a work stoppage, instead of reductions in their annual leave, violated IMO staff rule 105.1(d))
Judgement AT/DEC/692

Geneva, 4 to 21 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 759: Museibes

(Museibes against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by UNRWA staff member that his transfer to various posts outside his home area was in violation of his right to due process)
Judgement AT/DEC/717

Geneva, 7 to 28 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 760: Beg

(Beg against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member that the non-renewal of her appointment and the refusal to grant her a probationary appointment was retaliatory and motivated by prejudice and gender bias)
Judgement AT/DEC/702

Geneva, 28 June to 27 July 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Case No. 761: Metcalfe

(Metcalfe against the Secretary-General of ICAO)
(Claim by former ICAO staff member that the decision not to pay him a mobility and hardship allowance was in violation of the rules of the United Nations common system)
Judgement AT/DEC/689

Geneva, 5 to 21 July 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

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Case No. 762: Thiam

(Thiam against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member challenging the non-renewal of his appointment and the decision not to grant him an indefinite appointment; claim for compensation related to a service-incurred accident; claim for losses in connection with repatriation)
Judgement AT/DEC/715

Geneva, 30 June to 28 July 1995

Mr. Sen, presiding
Mr. Balanda
Mr. Thierry

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Case No. 763: Kubchandani

(Kubchandani against the Secretary-General of the United Nations)
(Claim by UNDP staff member that withholding his within-grade salary increment was not in accordance with procedural requirements and violated his due process rights)
Judgement AT/DEC/701

Geneva, 12 to 27 July 1995

Mr. Posadas, presiding
Mr. Balanda
Mr. Gabay

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Case No. 764: Larsen

(Larsen against the Secretary-General of the United Nations)
(Claim by United Nations staff member of United States nationality that she was entitled to have Australia designated as her home country for purpose of entitlements)
Judgement AT/DEC/703

Geneva, 5 to 27 July 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Gabay

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Case No. 765: Tekle-Mariam

(Tekle-Mariam against the Secretary-General of the United Nations)
(Claim by former ECA staff member to have his registered birth date changed from 3 October 1941 to 4 December 1927, with resulting increased pension benefits)
Judgement AT/DEC/711

Geneva, 30 June to 28 July 1995

Mr. Posadas, presiding
Mr. Balanda
Mr. Thierry

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Case No. 766: Piquilloud

(Piquilloud against the Secretary-General of the United Nations)
(Claim by former UNOG staff member that the non-extension of her fixed-term appointment was in violation of the Charter)
Judgement AT/DEC/713

Geneva, 27 June to 28 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 767: Benthin

(Benthin against the Secretary-General of the United Nations)
(Claim by former UNEP staff member that the decision not to extend her fixed-term appointment was motivated by prejudice and tainted by procedural irregularity)
Judgement AT/DEC/700

Geneva, 28 June to 27 July 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Case No. 768: El-Battouty

(El-Battouty against the Secretary-General of the United Nations)
(Claim by United Nations staff member that the decision not to appoint him as Officer-in-Charge of the Official Records Editing Section was motivated by discrimination against him as an Arab and because Arabic was his mother tongue)
Judgement AT/DEC/704

Geneva, 5 to 28 July 1995

Mr. Sen, presiding
Mr. Posadas
Mr. Balanda

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Case No. 769: Chen

(Chen against the Secretary-General of the United Nations)
(Claim by United Nations staff member that the special language test requirement for the competitive examination from the General Service to the Professional level is discriminatory and violates General Assembly resolution 2480 B (XXIII))
Judgement AT/DEC/694

Geneva, 11 to 21 July 1995

Mr. Posadas, presiding
Mr. Thierry
Mr. Gabay

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Case No. 770: Chileshe

(Chileshe against the Secretary-General of the United Nations)
(Claim by former ECA staff member that the decision not to promote him, based on the policy of not promoting staff approaching mandatory retirement age, was based on incorrect and incomplete information)
Judgement AT/DEC/690

Geneva, 6 to 21 July 1995

Mr. Ackerman, President
Mr. Balanda
Mr. Gabay

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Case No. 771: Nabhan

(Nabhan against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA staff member that the termination of his employment for misconduct was unlawful since it resulted from a conspiracy to defame him)
Judgement AT/DEC/709

Geneva, 7 to 28 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 772: Abd Elal

(Abd Elal against the Secretary-General of the United Nations)
(Claim by United Nations staff member that his promotion to the P-4 level should have been implemented with retroactive effect, as he had been performing functions at that level prior to his promotion)
Judgement AT/DEC/697

Geneva, 28 June to 21 July 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

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Case No. 773: Elahi

(Elahi against the Secretary-General of the United Nations)
(Claim by UNICEF staff member that the decision not to promote her when her post was upgraded violated her right to reasonable consideration for career appointment and that the decision was unlawful owing to procedural irregularity)
Judgement AT/DEC/706

Geneva, 29 June to 28 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 774: Fussimanya-Reyna

(Fussimanya-Reyna against the Secretary-General of the United Nations)
(Claim by United Nations staff member that the decision not to grant her the "long-service step" violated IC/Geneva/3383 of 15 December 1986
Judgement AT/DEC/724

Geneva, 6 to 12 July 1995
New York, 6 to 21 November 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Gabay

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Case No. 775: Saleh

(Saleh against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA staff member that the termination of his employment on grounds of misconduct was unjustified and violated his right to due process)
Judgement AT/DEC/714

Geneva, 7 to 28 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 776: Oudeh

(Oudeh against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA staff member that the abrogation of his entitlement to priority consideration for re-employment as a teacher violated his rights)
Judgement AT/DEC/708

Geneva, 7 to 28 July 1994

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 777: Khadra
No. 780: Fahoum
No. 781: Nourallah
No. 783: Zeidan
No. 784: Khalaf

(Khadra, Fahoum, Nourallah, Zeidan and Khalaf against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claims by UNRWA staff members that prior periods of service for the Agency should be taken into account for calculating their entitlement to early retirement and for determining the applicable rate of exchange for payments to them)
Judgement AT/DEC/716

Geneva, 7 to 28 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 778: Ittah

(Ittah against the Secretary-General of ICAO)
(Claim by ICAO staff member that the Respondent improperly denied a waiver of the time-limits for the Applicant's appeal to the JAB, against the decision not to appoint him to a post he had held on temporary appointment and that his non-appointment was unlawful)
Judgement AT/DEC/691

Geneva, 6 to 21 July 1995

Mr. Ackerman, President
Mr. Balanda
Mr. Gabay

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Case No. 779: Khalidi et al. (Khalidi et al. against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claims by UNRWA staff members that prior periods of service for the Agency should be taken into account for calculating their entitlement to early retirement and for determining the applicable rate of exchange for payments to them)
Judgement AT/DEC/710

Geneva, 10 to 28 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 782: Raissis-Sonnendrücker (Raissis-Sonnendrücker against the Secretary-General of the United Nations)
(Claim by UNOG staff member promoted from the General Service to the Professional category to return to the General Service category retroactively or to be awarded equitable compensation for the adverse effect on her remuneration and other benefits resulting from her being in the Professional category)
Judgement AT/DEC/731

New York, 10 October to 21 November 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

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Case No. 786: Scantlebury (Scantlebury against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member that the non-renewal of her appointment on medical grounds was unfounded and violated the terms of the offer of employment to her)
Judgement AT/DEC/727

Geneva, 11 to 25 July 1995
New York, 31 October to 21 November 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Gabay

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Case No. 787: Islam

(Islam against the United Nations Joint Staff Pension Board)
(Claim by former UNIDO staff member for rescission of the decision by the Standing Committee of the UNJSPB that his request for review was time-barred)
Judgement AT/DEC/734

New York, 30 October to 21 November 1995

Mr. Posadas, presiding
Mr. Balanda
Mr. Gabay

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Case No. 788: Voronine

(Voronine against the Secretary-General of the United Nations)
(Claim by former UNOG staff member that the non-renewal of his appointment was motivated by extraneous factors and prejudice on the part of the Chief of the Russian Translation Section)
Judgement AT/DEC/729

New York, 24 October to 21 November 1995

Mr. Ackerman, President
Mr. Thierry
Mr. Spain

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Case No. 789: Hussein

(Hussein against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA staff member that his separation on grounds of redundancy, when his post was reclassified at a higher grade, violated his rights)
Judgement AT/DEC/705

Geneva, 7 to 28 July 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 790: Gomez

(Gomez against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member for rescission of her separation from employment following her resignation)
Judgement AT/DEC/735

New York, 31 October to 21 November 1995

Mr. Posadas, presiding
Mr. Thierry
Mr. Balanda

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Cases No. 791: Kosmina
No. 792: Mikhaylin
No. 793: Pavlov
No. 801: Slavashevich

(Kosmina, Mikhaylin, Pavlov and Slavashevich against the Secretary-General of the United Nations)
(Claim by former United Nations staff members of Soviet nationality that the non-renewal of their appointments was motivated by extraneous factors)
Judgement AT/DEC/725

New York, 24 October to 21 November 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Case No. 794: De Garis

(De Garis against the Secretary General of ICAO)
(Claim by former ICAO staff member that the decision to terminate his employment on the grounds of unsatisfactory service during probation was not in compliance with applicable regulations and was unlawful)
Judgement AT/DEC/733

New York, 2 to 21 November 1995

Mr. Posadas, presiding
Mr. Spain
Mr. Gabay

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Case No. 795: Sanchez Orrico

(Sanchez Orrico against the United Nations Joint Staff Pension Board)
(Claim by former UNESCO staff member against a decision of the UNJSPB concerning his entitlement to favourable reduction factors and to the benefit of a transitional measure in determining the amount of his pension in local currency)
Judgement AT/DEC/730

New York, 31 October to 21 November 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

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Case No. 796: Mikdashi

(Mikdashi against the Commissioner General of UNRWA)
(Claim by UNRWA staff member for rescission of the decision to transfer her to a post at a lower grade)
Judgement AT/DEC/741

New York, 30 October to 22 November 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 797: Huzeima

(Huzeima against the Commissioner General of UNRWA)
(Claim by former UNRWA staff member relating to disciplinary proceedings against him which resulted in his early voluntary retirement)
Judgement AT/DEC/745

New York, 30 October to 22 November 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 798: Hevi

(Hevi against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of the decision to summarily dismiss him)
Judgement AT/DEC/721

New York, 30 October to 21 November 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 799: Kartsev

(Kartsev against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of the decision not to grant him a three-year extension of his appointment)
Judgement AT/DEC/719

New York, 2 to 21 November 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Case No. 800: Krasnov

(Krasnov against the Secretary-General of the United Nations)
(Claim by former UNCTAD staff member for rescission of the decision not to extend his fixed-term appointment following the redeployment of his post in a reorganization which abolished his division)
Judgement AT/DEC/720

New York, 2 to 21 November 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Case No. 802: Akkawi

(Akkawi against the Commissioner General of UNRWA)
(Claim by former UNRWA staff member for rescission of the decision to terminate his employment on grounds of redundancy of his post)
Judgement AT/DEC/732

New York, 10 October to 21 November 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 803: Arbesu

(Arbesu against the Secretary-General of ICAO)
(Claim by former ICAO staff member that she should have been promoted to the P-3 level)
Judgement AT/DEC/743

New York, 25 October to 22 November 1995

Mr. Posadas, presiding
Mr. Thierry
Mr. Balanda

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Case No. 804: Manson

(Manson against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of the decision to treat his resignation as a summary dismissal for serious misconduct)
Judgement AT/DEC/742

New York, 23 October to 22 November 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Case No. 805: Rachkov

(Rachkov against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of the decision to fill the post of Chief, Personnel Administration Section, UNOG, by the lateral transfer of a staff member from another department without considering him for the post)
Judgement AT/DEC/736

New York, 2 to 21 November 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

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Case No. 807: Museibes

(Museibes against the Commissioner General of UNRWA)
(Claim by former UNRWA staff member for rescission of the decision to issue a reprimand to him characterized as a "severe warning")
Judgement AT/DEC/737

New York, 3 to 21 November 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 808: Gavshin

(Gavshin against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of the decision not to renew his fixed-term appointment and not to consider him for a career appointment after he completed five years of service)
Judgement AT/DEC/718

New York, 2 to 21 November 1995

Mr. Ackerman, President
Mr. Spain
Mr. Gabay

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Case No. 809: Trempe

(Trempe against the Secretary General of ICAO)
(Claim by former ICAO staff member for rescission of the decision that his appeal with respect to non-renewal of his appointment was untimely)
Judgement AT/DEC/728

New York, 1 to 21 November 1995

Mr. Ackerman, President
Mr. Thierry
Mr. Gabay

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Case No. 810: Nkubana

(Nkubana against the Secretary-General of the United Nations)
(Claim by former ECA staff member for rescission of the decision to summarily dismiss him for serious misconduct)
Judgement AT/DEC/738

New York, 3 to 21 November 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Gabay

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Case No. 811: Museibes

(Museibes against the Commissioner General of UNRWA)
(Claim by former UNRWA staff member for rescission of the decision to defer his confirmation in the post of Elementary School Teacher)
Judgement AT/DEC/746

New York, 3 to 22 November 1995

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

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Case No. 812: Hamza

(Hamza against the Secretary-General of the United Nations)
(Claim by former ESCWA staff member for rescission of the decision to separate the Applicant from service and, following his reinstatement, not to renew his appointment upon its expiration)
Judgement AT/DEC/726

New York, 6 to 21 November 1995

Mr. Ackerman, President
Mr. Balanda
Mr. Gabay

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Case No. 814: Knight et al.

(Knight et al. against the Secretary-General of the United Nations)
(Claim by United Nations staff members that the use of the G-to-P competitive examination for promotion from the G to P category was unlawful because it deprived General Service staff members of fair consideration for promotion to the Professional level)
Judgement AT/DEC/722

New York, 1 to 21 November 1995

Mr. Ackerman, President
Mr. Thierry
Mr. Gabay

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Case No. 815: Chakravarti

(Chakravarti against the Secretary-General of the United Nations)
(Claim by former United Nations staff member that a delay in payment of his salary constituted non-observance of the terms of his contract of employment)
Judgement AT/DEC/739

New York, 2 to 22 November 1995

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

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Cases No. 847: Eren
No. 848: Robertson
No. 849: Sellberg
No. 850: Thompson

(Eren, Robertson, Sellberg and Thompson against the Secretary-General of the United Nations)
(Claim by United Nations staff members and former staff members for rescission of the decision to impose disciplinary measures on them, following a Joint Disciplinary Committee finding, accepted by the Secretary-General, that they were not guilty of charges of intentional misconduct)
Judgement AT/DEC/744

New York, 27 October to 22 November 1995

Mr. Ackerman, President
Mr. Thierry
Mr. Spain

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Copies of the judgements will be available at Documents Distribution.

V. SCHEDULE FOR 1996 SESSIONS

6. Taking into consideration the number of cases already submitted to it, the Tribunal decided that the first ordinary session, referred to in article 6, paragraph 2, of its rules, would be held at Geneva beginning in July 1996, and that its second session would be held at Headquarters during the last quarter of 1996, pursuant to articles 5.1 and 6.2 of its rules.